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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,121	03/14/2001	Kenji Kamimura	2001-0076A	6291

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EXAMINER

ROSE, ROBERT A

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 04/14/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/787,121

Applicant(s)
Kamimura et al

Examiner
Robert Rose

Art Unit
3723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 29, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. Applicant's election without traverse of Group I(claims 1-3, 7-19) in Paper No. 7 is acknowledged.

2. Claims 4-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in Paper No. 7.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Berman.

Berman discloses a polishing apparatus comprising all of the subject matter set forth in applicant's claims above. Note figures 1-4, a pair of dressing surfaces with different dressing elements are provided for dressing the polishing pad surface. The dressing elements may either be on a single arm with means to rotate each surface into a dressing position, or on separate arms.

5. Claims 1-3, and 13-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tanaka. Tanaka discloses a polishing apparatus comprising all of the subject matter set forth in applicant's claims above. With regard to claim 3 note embodiment of figure 21 showing at least one dressing element(30a) larger than the wafer(16).

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6. Claims 7-10, and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japan No. 10-180618. Japan('618) discloses a polishing apparatus having a dressing unit with plural dressing elements arranged such that specific areas of the pad corresponding to defined areas of the wafer are dressed by the individual elements, as recited.

7. Claims 1-2, and 18-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hayakawa et al. Note in figures 6-7 sensor for measuring the profile of the polishing surface, for controlling a subsequent dressing operation based on the measured pad profile.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan('618) in view of Japan No. 10202504. To provide a cleaning bath for the dresser during non-use periods to keep the dressing surface free of dried debris would have been obvious in view of Japan('504).

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayakawa et al in view of WO99/50024. To provide an atomizing nozzle to dislodge debris to allow the dressing elements to better remove debris from the pad would have been obvious in view of WO99/50024.

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11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagahara et al is cited to show another polishing apparatus having plural pad dressing elements.

12. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

IT

April 4, 2003.



ROBERT A. ROSE
PRIMARY EXAMINER
ART UNIT 323